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DATE: FEBRUARY 21, 2006

TO: EXAMINER YANG, R.R. 703-308-6133
(ADDRESSEE'S NAME) (EXTENSION)
ART UNIT 2672 571-273-8300
(LOCATION) (FAX NUMBER)

FROM: MATTHEW C. LOPPNOW (847) 523-2585
(SENDER'S NAME) (EXTENSION)

RE: 09/855.388

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Matthew C. Loppnow

Date February 21, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 APPLICANT: REED et al.

EXAMINER: Yang, R.

SERIAL NO.: 09/855,388

GROUP: 2672

10 FILED: May 15, 2001

CASE NO.: PF02077NA

ENTITLED: METHOD AND APPARATUS FOR PROCESSING DATA INCLUDING AN
IMAGE FOR PRESENTATION ON A DISPLAY

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Motorola, Inc.
Intellectual Property Department
600 North U.S. Highway 45
Libertyville, IL 60048

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APPEAL REPLY BRIEF UNDER 37 C.F.R. § 41.37

25

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

30

In reply to the Examiner's Answer mailed February 6, 2006, Applicant submits
the present Reply Brief.

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I. REAL PARTY IN INTEREST

The Examiner's Answer correctly acknowledges the real party in interest.

5 **II. RELATED APPEALS AND INTERFERENCES**

The Examiner's Answer correctly indicates there are no related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

10

III. STATUS OF CLAIMS

The Examiner's Answer correctly acknowledges the status of the claims.

15 **IV. STATUS OF AMENDMENTS AFTER FINAL**

The Examiner's Answer correctly acknowledges the status of the amendments.

V. SUMMARY OF CLAIMED SUBJECT MATTER

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The Examiner's Answer correctly acknowledges the summary of the claimed subject matter.

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VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The Examiner's Answer correctly acknowledges the grounds of rejection to be reviewed on appeal.

5

VII. CLAIMS

The Examiner's Answer correctly acknowledges the claims appendix.

VIII. REPLY

Applicants maintain there is no motivation to combine Sakaiharu and McNelley to recite the features taught in independent claims 1, 9, and 15.

15 Sakaiharu is directed to electronic stained glass (Title) such as drawing patterns on drawings on window glass and using pictures to change a room interior (Task, solved by the invention section). McNelley is directed to a teleconferencing system (Title, Field, Summary, Description of the Preferred Embodiment, and Claims). There is no evidence of any benefit of using McNelley's teleconferencing system with electronic stained glass.

20 The Examiner's Answer alleges motivation is based on ensuring "an important part of the image is displayed." However, this alleged motivation is not proper motivation because it is not present in the references and is not alleged as knowledge generally available to one of ordinary skill in the art, as required by MPEP § 2142.

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In particular, there is absolutely no disclosure in McNelley of the alleged benefit of "ensuing an important part of an image is displayed." McNelley only discloses benefits of tracking a moving object for teleconferencing purposes (col. 3, lines 12-55). Teleconferencing has different requirements than the electronic stained glass of Sakaihara. In particular, McNelley expressly discloses the problems with teleconferencing as being movement of a conferee (col. 4, line 47 - col. 5, line 4). Yet, neither Sakaihara nor McNelley disclose electronic stained glass as suffering from problems specific to teleconferencing that require the benefits of McNelley.

The Office Action attempts to base motivation on McNelley disclosing "tight heads shots would generally require a quick tracking response." However, there is no disclosure of any feature in Sakaihara that would require a "quick tracking response" to ensure an important part of an image is displayed. Sakaihara only deals with drawing patterns on window glass and using pictures to change a room interior. These patterns and pictures are not disclosed to be dynamic or involving the tracking of a moving object. Thus, there is no need for a quick tracking response to ensure an important part of an image is displayed.

Furthermore, as noted above, McNelley does not disclose a generic benefit of ensuring "an important part of an image is displayed," much less that such is necessary with the electronic stained glass disclosed by Sakaihara.

Thus, the Office Action has not provided proper motivation to combine Sakaihara and McNelley to recite the features taught in independent claims 1, 9, and 15.

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Therefore, Applicants respectfully submit that independent claims 1, 9, and 15 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.

5 Kindly reverse and vacate the rejection of Claims 1, 9, and 15 under 35 U.S.C. § 103 with instructions for the Examiner to allow all pending Claims 1-7, 9-13, and 15-19 to issue as a United States Patent.

CONCLUSION

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In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

15

Respectfully submitted,



Matthew C. Loppnow
Attorney for Applicant
Registration No. 45,314

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Dated: February 21, 2006

Phone No. (847) 523-2585

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Fax No. (847) 523-2350
Please send correspondence to:
Motorola, Inc.
Intellectual Property
600 North U.S. Highway 45
Libertyville, IL 60048